

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,)
)
Plaintiff,)
)
vs.)
)
WILLIAM P. BADUA,)
JEFFREY OMAI, SPENCER)
ANDERSON,)
)
Defendants.)
_____)

CIVIL NO. 03-00476 KSC
SPECIAL VERDICT FORM

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 20 2006

at 2 o'clock and 17 min. PM
SUE BEITIA, CLERK

SPECIAL VERDICT FORM

You must answer all of the questions, unless otherwise indicated. To understand what issues are being submitted to you, you may wish to read over the entire Special Verdict Form before proceeding to answer. Answer the questions in numerical order. Follow all directions carefully. Each answer requires the agreement of all jurors. If you do not understand any question, or if you wish to communicate with the court on any subject, you must do so in writing through the Bailiff.

1. Has Plaintiff established by a preponderance of the evidence that Defendants William Badua, Jeffrey Omai and Spencer Anderson did not have a reasonable belief that Plaintiff Ofelia Coloyan's son, Allen Coloyan resided at her home located at 91-1082 Kapa'ahulani Street or that Defendants did not have a reasonable belief that Allen Coloyan was present in the home located at 91-1082 Kapa'ahulani Street on June 3, 2003?

Yes X

No

(If the answer is "Yes" go to Question No. 2. If the answer is "No", date and sign this Special Verdict Form at the bottom and notify the Bailiff that you have reached a verdict.)

2. Have Defendants established by a preponderance of the evidence that Plaintiff gave knowing and voluntary consent to the entry of her home located at 91-1082 Kapa'ahulani Street by officers of the Honolulu Police Department on June 3, 2003?

Yes X No _____

(If the answer is "No" go to Question No. 3. If the answer is "Yes", date and sign this Special Verdict Form at the bottom and notify the Bailiff that you have reached a verdict.)

3. Has Plaintiff established by a preponderance of the evidence that Defendants intentionally committed acts that violated Plaintiff's constitutional rights to be free from unreasonable searches?

William Badua	Yes _____	No _____
Jeffery Omai	Yes _____	No _____
Spencer Anderson	Yes _____	No _____

If the answer is "Yes" for any of the Defendants, go to question no. 4. If the answer is "No" for all of the Defendants, date and sign this Special Verdict Form at the bottom and notify the Bailiff that you have reached a verdict.

4. Has Plaintiff established by a preponderance of the evidence that Defendants violated Plaintiff's

Fourth Amendment rights while acting under color of law?

William Badua	Yes _____	No _____
Jeffery Omai	Yes _____	No _____
Spencer Anderson	Yes _____	No _____

If the answer is "Yes" for any of the Defendants, go to question No. 5. If the answer is "No" for all of the Defendants, date and sign the Special Verdict Form at the bottom and notify the Bailiff that you have reached a verdict.

5. Has Plaintiff established by a preponderance of the evidence that she suffered damages or injuries which were legally caused by the alleged unlawful search by Defendants William Badua, Jeffery Omai, and/or Spencer Anderson?

William Badua	Yes _____	No _____
Jeffery Omai	Yes _____	No _____
Spencer Anderson	Yes _____	No _____

If you answered "Yes" to any of the Defendants, go to Question No. 6 and provide an answer with respect to

that Defendant only. If you answered "No" for all of the Defendants, date and sign this Special Verdict Form at the bottom and notify the Bailiff that you have reached a verdict.

6. For this claim, what do you find to be the total amount of damages caused by Defendants?

General Damages: \$ _____

(Go to Question No. 7.)

7. If you find that Plaintiff sustained no general damages, but that her constitutional rights were violated, you may award nominal damages not to exceed one dollar.

Nominal Damages: \$ _____

(Go to Question No. 8.)

8. If you awarded general or nominal damages to Plaintiff against Defendant William Badua, you may, but are not required to award punitive damages against Defendant William Badua if you find by a preponderance of the evidence or by clear and convincing evidence

that he wilfully and maliciously harmed Plaintiff. If you did not award general or nominal damages against Defendant William Badua, you must put the number "0" in the blank below.

Punitive Damages: \$ _____

(Go to Question No. 9.)

9. Has Plaintiff proven her award of punitive damages against Defendant William Badua by clear and convincing evidence?

Yes _____ No _____

(Go to Question No. 10)

10. Has Plaintiff proven her award of punitive damages against Defendant William Badua by a preponderance of the evidence?

Yes _____ No _____

(Go to Question No. 11)

11. If you awarded general or nominal damages to Plaintiff against Defendant Jeffery Omai, you may, but are not required to award punitive damages against Defendant Jeffery Omai if you find by clear and convincing evidence or by a preponderance of the

evidence that he wilfully and maliciously harmed Plaintiff. If you did not award general or nominal damages against Defendant Jeffery Omai, you must put the number "0" in the blank below.

Punitive Damages: \$ _____

(Go to Question No. 12)

12. Has Plaintiff proven her award of punitive damages against Defendant Jeffery Omai by clear and convincing evidence?

Yes _____ No _____

(Go to Question No. 13)

13. Has Plaintiff proven her award of punitive damages against Defendant Jeffery Omai by a preponderance of the evidence?

Yes _____ No _____

(Go to Question No. 14)

14. If you awarded general or nominal damages to Plaintiff against Defendant Spencer Anderson, you may,

but are not required to award punitive damages against Defendant Spencer Anderson if you find by clear and convincing evidence or by a preponderance of the evidence that he wilfully and maliciously harmed Plaintiff. If you did not award general or nominal damages against Defendant Spencer Anderson, you must put the number "0" in the blank below.

Punitive Damages: \$_____

(Go to Question No. 15)

15. Has Plaintiff proven her award of punitive damages against Defendant Spencer Anderson by clear and convincing evidence?

Yes_____ No_____

(Go to Question No. 16)

16. Has Plaintiff proven her award of punitive damages against Defendant Spencer Anderson by a preponderance of the evidence?

Yes_____ No_____

(Date and sign the form where indicated below and return the same to the Bailiff.)

DATED: Honolulu, Hawaii, March 20, 2006


FOREPERSON